

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CODY LEE HOLTZ, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 17, 2005

Petitioner-Appellee,

v

HEATHER LORRAINE HOLTZ,

Respondent-Appellant.

No. 261060
Genesee Circuit Court
Family Division
LC No. 98-110552-NA

Before: Gage, P.J., and Hoekstra and Murray, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent pleaded no contest to the statutory ground for termination found within MCL 712A.19b(3)(j). Therefore, respondent does not challenge the statutory basis for termination. Rather, respondent contends that the evidence showed that termination of her parental rights was not in the child's best interests.

The trial court did not clearly err in making its best interests determination. MCR 3.977(J); MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondent acknowledges that one of petitioner's concerns was the fact that she failed to regularly visit her child. At the best interests hearing, respondent testified that she had not seen her child for over a year and that she did not have a bond with the child. Respondent blamed the court for not being able to see her child. The trial court suspended respondent's parenting time while she was incarcerated and after the termination petition was filed. Contrary to respondent's contention, it was respondent's behavior that caused the suspension of her parenting time and, consequently, resulted in her failure to bond with the child. Because respondent did not regularly visit her child and because there was no bond between respondent and her child, we find that the trial court did not clearly err in finding that termination of respondent's parental rights was not contrary to the child's best interests.

Respondent also contends that the trial court erred in terminating her parental rights because she was complying with the drug screens. Although respondent acknowledges that she did not submit to the urine screens requested by petitioner, respondent contends that because she was “dropping” for her probation officer, she believed she no longer had to submit to petitioner’s requests. At a review hearing, the guardian ad litem informed the court that respondent was “dropping” for her probation officer and that respondent was not testing positive for drugs. Although the trial court was so informed, it still ordered that respondent submit to petitioner’s drug screens. Therefore, respondent’s argument lacks merit. Thus, the trial court did not clearly err in terminating respondent’s parental rights.

Affirmed.

/s/ Hilda R. Gage
/s/ Joel P. Hoekstra
/s/ Christopher M. Murray